

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7696 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

SAVJIBHAI GOVINDBHAI PARMAR

Versus

CHIE METROPOLITAN MAGISTRATE

Appearance:

MR CB DASTOOR for Petitioner

MR PB BHATT,AGP WITH MR SP HASURKAR for the
Respondents.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 06/10/98

ORAL JUDGEMENT

Rule. Mr. P.B.Bhatt, learned Assistant Government Pleader, waives service of the Rule on behalf of the respondents. At the request of the learned Advocates, this petition is taken up for final hearing to-day.

The petitioner, who is in service of the establishment of the learned Chief Metropolitan

Magistrate as Assistant Superintendent , has approached this Court by way of this petition, challenging the decision taken by respondent No.1 i.e. the learned Chief

Metropolitan Magistrate below application dated 10-4-98 Annexure"D" as well as the letter dated 18-8-98 Annexure"A" to the petition. The petitioner, who is under suspension with effect from 8-5-1996 has filed the aforesaid application alongwith the order passed in Special Civil Application No.4170/94 and the Letters Patent Appeal No. 39/97 wherein this Court has taken a view to extend the benefits of ROP Rules,1998 to the suspended employees. It is the case of the petitioner that in view of the above though he had applied for the benefits of the new pay-rules, both the application and the letter have been rejected by the respondents.

I have gone through the judgment of this Court rendered in Special Civil Application No.4170/94 dated 20st September 1995 by learned brother S.K.Keshote,J, which was challenged by the State Government in Letters Patent Appeal No.39/97 which came to be dismissed by this Court (Coram:C.K.Thakkar and A.L.Dave,JJ) vide order dated 10-2-98. This Court has taken a view that the suspended employees are entitled to the benefits of revised pay scales and the subsistence allowance on the basis of the revised pay scales. In view of the binding decision of this Court, this petition is therefore required to be allowed.

In the result, this petition is allowed. The impugned order dated 5-5-98 below application dated 10-4-98 and the order rejecting the letter dated 18-8-98 are quashed and set aside and the respondents are directed to pay revised pay scales to the petitioner with effect from the date on which the same are made applicable. The respondents are further directed to pay the amount of subsistence allowance on the basis of the revised pay scales payable to the petitioner within a period of two months from the date of receipt of the certified copy of this order and to pay the arrears to the petitioner within one month thereafter. Rule is made absolute accordingly with no order as to costs.

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